

(circular) "Strengthens the gums, thus preventing oral decay. \* \* \* in the art and treatment for the teeth, mouth and gums. \* \* \* The gums will become firm, the flow of saliva will be aided and the discoloration and stains caused by tartar will be removed and the future presence of tartar and lime deposits will be prevented by the continued use of this superior tooth paste. \* \* \* Many dentists have prescribed this tooth paste, especially for severe cases of gingivitis and trench mouth, \* \* \* keep the \* \* \* gums healthy \* \* \* women will find that Frigidine Tooth Paste may be used with great effect on teeth that are in poor condition and on tender gums which have been caused either by reason of the user's general health condition or by the frequent use of harmful abrasive tooth paste."

On July 14, 1931, Frigidine, Inc., New York, N. Y., intervened as claimant and filed an answer to the libel. On May 15, 1933, the claimant having failed to appear at the time set for hearing, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20889. Misbranding of Gadoxin. U. S. v. Andrew A. McCaffrey (The Gadoxin Co.). Plea of nolo contendere. Fine, \$25. (F. & D. no. 28155. I. S. nos. 30678, 42774.)**

Examination of the drug preparation Gadoxin disclosed that it contained no ingredient or combination or ingredients capable of producing certain curative and therapeutic effects claimed on the box labels and in circulars shipped with the article.

On March 7, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Andrew A. McCaffrey, trading as the Gadoxin Co., Worcester, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 8, 1931, from the State of Massachusetts into the State of Rhode Island, and on or about February 2, 1932, from the State of Massachusetts into the State of Connecticut, of quantities of Gadoxin that was misbranded. The boxes were labeled the same in both shipments. The circular accompanying the second shipment differed from that in the first.

Analysis of a sample of the article by this Department showed that it consisted essentially of pink tablets containing sodium bicarbonate flavored with methyl salicylate and colored with a pink dye; and brown tablets containing potassium iodide, cinchophen, small proportions of phenolphthalein, guaiac resin, and extracts of plant drugs, including ginger and a laxative drug.

It was alleged in the information that the article was misbranded in the following respects: Certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the boxes in both shipments, falsely and fraudulently represented that the article was effective as a specific for rheumatism, neuritis, and lumbago and as a treatment for both acute and chronic rheumatism, neuritis, lumbago, arthritis, sciatica, and kindred affections; certain statements appearing in the circular shipped with one of the lots falsely and fraudulently represented that the article was effective as a dependable treatment for simple rheumatic aches and pains, as a quick relief in stubborn cases, and to ensure freedom from pain; and certain statements appearing in the circular shipped with the second lot falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for swelling of the limbs and feet, stiffness in the shoulders and loss of strength, and effective as a quick relief in stubborn cases. Misbranding was alleged for the further reason that the statement, "Guaranteed \* \* \* to comply with all National and State Pure Food and Drug laws", borne on the box label, was false and misleading, since the article did not comply with the Federal Food and Drugs Act.

On March 27, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20890. Adulteration of tongaline and lithia tablets. U. S. v. Mellier Drug Co. Plea of guilty. Fine, \$50. (F. & D. no. 27530. I. S. no. 11948.)**

This action was based on a shipment of drug tablets that were found to contain a smaller amount of sodium salicylate than declared on the label.

On March 19, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the